

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**WASHINGTON, D.C. 20460**



EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE  
OFFICE OF GENERAL COUNSEL

December 6, 2021

**Emailed to:**

**In Reply Refer to:**

EPA Case No. 01RNO-20-R7

Bob Menees, Staff Attorney  
Sarah Rubenstein, Staff Attorney  
Great Rivers Environmental Law Center  
319 N. Fourth St., Suite 800  
St. Louis, MO 63102  
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**Re: Informal Resolution Agreement**

Dear Mr. Menees and Ms. Rubenstein:

The U.S. Environmental Protection Agency's (EPA) External Civil Rights Compliance Office (ECRCO) is required by regulation to seek cooperation with recipients in securing compliance with 40 C.F.R. Parts 5 and 7 through informal and voluntary means.<sup>1</sup> On November 22, 2021, ECRCO received notice that the Missouri Department of Natural Resources (MoDNR) has agreed to engage in negotiations toward the execution of an informal resolution agreement (IRA) to resolve the remaining issues accepted for investigation on September 29, 2020, for EPA Complaint No. 01RNO-20-R7.<sup>2</sup>

Accordingly, as of November 22, 2021, ECRCO and MoDNR have commenced discussions

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<sup>1</sup> See 40 C.F.R. § 7.105 (EPA "shall seek the cooperation of applicants and recipients in securing compliance with" 40 C.F.R. Part 7); and 7.120(d)(2) (EPA "shall attempt to resolve complaints informally whenever possible.").

<sup>2</sup> ECRCO accepted two issues for investigation:

1. Whether MoDNR discriminated against a community of color, collectively hereinafter referred to as "Dutchtown," located in St. Louis, MO, on the basis of race, color and/or national origin in violation of Title VI of the Civil Rights Act of 1964, and EPA's implementing regulation, 40 C.F.R. Part 7, by issuing Part 70 Intermediate Operating Permit Number OP2020-008 to the Kinder Morgan Transmix Company, LLC operations; and
2. Whether MoDNR has and is implementing the procedural safeguards required under 40 C.F.R. Parts 5 and 7 that all recipients of federal assistance must have in place to comply with their general nondiscrimination obligations, including specific policies and procedures to ensure meaningful access to MoDNR's services, programs, and activities for individuals with LEP and individuals with disabilities, and whether the MoDNR has a public participation policy and process that is consistent with Title VI and the other federal civil rights laws, and EPA's implementing regulation at 40 C.F.R. Parts 5 and 7.

On March 30, 2021, ECRCO issued a Partial Preliminary Letter of Findings that addressed the second issue. ECRCO and MoDNR have engaged in negotiations to reach a Voluntary Compliance Agreement to address any remaining compliance concerns.

toward reaching and IRA and will, therefore, suspend its formal investigation of EPA Complaint No. 01RNO-20-R7 for the duration of the informal resolution process. ECRCO will ensure that this process occurs without undue delay. If the informal resolution process fails to result in an IRA between ECRCO and MoDNR, ECRCO will notify you that ECRCO has resumed its investigation.

If you have questions about this letter, please feel free to contact me at (202)564-9649, or by email at [dorka.lilian@epa.gov](mailto:dorka.lilian@epa.gov), or Jeryl Covington, Case Manager, at (202)564-7713, by email at [covington.jeryl@epa.gov](mailto:covington.jeryl@epa.gov).

Sincerely,



Lilian S. Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel

cc: Ariadne Goerke  
Deputy Associate General Counsel  
Civil Rights & Finance Law Office

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